

118TH CONGRESS  
1ST SESSION

# S. 1397

To modify the Federal TRIO programs.

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IN THE SENATE OF THE UNITED STATES

MAY 2, 2023

Ms. COLLINS (for herself, Mr. TESTER, Mrs. CAPITO, and Ms. BALDWIN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To modify the Federal TRIO programs.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Educational Oppor-  
5 tunity and Success Act of 2023”.

6 **SEC. 2. PROGRAM AUTHORITY AND AUTHORIZATION OF AP-**  
7 **PROPRIATIONS FOR FEDERAL TRIO PRO-**  
8 **GRAMS.**

9 (a) MINIMUM GRANTS.—Section 402A(b)(3) of the  
10 Higher Education Act of 1965 (20 U.S.C. 1070a–  
11 11(b)(3)) is amended—

1           (1) by striking “\$200,000” and inserting  
2           “\$220,000”; and

3           (2) by striking “\$170,000” and inserting  
4           “\$190,000”.

5           (b) PROCEDURES FOR AWARDING GRANTS AND CON-  
6 TRACTS.—Section 402A(c) of the Higher Education Act  
7 of 1965 (20 U.S.C. 1070a–11(c)) is amended—

8           (1) in paragraph (2)(A)—

9                   (A) in the subparagraph heading, by strik-  
10           ing “PRIOR EXPERIENCE” and inserting  
11           “PRIOR SUCCESS”;

12                   (B) in the first sentence, by striking “prior  
13           experience of high quality service delivery” and  
14           inserting “prior success in achieving high qual-  
15           ity service delivery”; and

16                   (C) in the second sentence—

17                           (i) by striking “prior experience shall  
18           not” and inserting “prior success in  
19           achieving high quality service delivery shall  
20           not”; and

21                           (ii) by striking “shall not be given  
22           prior experience consideration” and insert-  
23           ing “shall not be given such consider-  
24           ation”;

1           (2) in paragraph (3)(A) by striking “prior expe-  
2           rience” and inserting “prior success”;

3           (3) in paragraph (4)(A), in the second sentence,  
4           by inserting “as well as first-generation college grad-  
5           uates” after “readers”; and

6           (4) by striking paragraph (8) and inserting the  
7           following:

8           “(8) REVIEW AND NOTIFICATION BY THE SEC-  
9           RETARY.—

10           “(A) GUIDANCE.—Not less than 90 days  
11           before the commencement of each competition  
12           for a grant under this chapter, the Secretary  
13           shall issue nonregulatory guidance regarding  
14           the rights and responsibilities of applicants with  
15           respect to the application and evaluation proc-  
16           ess for programs and projects assisted under  
17           this chapter, including applicant access to peer  
18           review comments. The guidance shall describe  
19           the procedures for the submission, processing,  
20           and scoring of applications for grants under  
21           this chapter, including the information de-  
22           scribed in subparagraph (B).

23           “(B) TECHNICAL COMPONENTS OF APPLI-  
24           CATIONS.—

1           “(i) ESTABLISHMENT AND TREAT-  
2           MENT OF NONSUBSTANTIVE TECHNICAL  
3           COMPONENTS OF APPLICATIONS.—With re-  
4           spect to any competition for a grant under  
5           this chapter, the Secretary may only estab-  
6           lish voluntary page limit and formatting  
7           requirements for grant applications and  
8           may not reject grant applications that do  
9           not meet those voluntary requirements.  
10          The Secretary may suggest page limits and  
11          formatting standards, (including with re-  
12          spect to font size, font style, font type, line  
13          spacing, paragraph justification, and page  
14          margins), but may not use noncompliance  
15          with these suggested requirements as a  
16          basis to reject or penalize grant applica-  
17          tions.

18          “(ii) IDENTIFICATION AND TREAT-  
19          MENT OF TECHNICAL BUDGET ERRORS IN  
20          APPLICATIONS.—

21                 “(I) IN GENERAL.—With respect  
22                 to any competition for a grant under  
23                 this chapter, the Secretary may not  
24                 reject or penalize grant applications  
25                 on the basis of a typographical or

1 rounding error in a proposed budget  
2 until the Secretary has given the ap-  
3 plicant an opportunity for correction  
4 in accordance with subclause (II).

5 “(II) NOTICE AND OPPORTUNITY  
6 FOR CORRECTION.—The Secretary  
7 shall provide notice and identification  
8 of an error described in subclause (I)  
9 by email and phone to the applicant  
10 before awarding grants for each com-  
11 petition. During a period of not fewer  
12 than 14 days, the Secretary shall  
13 allow the applicant to submit a re-  
14 vised application that corrects the  
15 identified error.

16 “(III) TREATMENT OF REVISED  
17 APPLICATIONS.—The Secretary shall  
18 treat the revised application in the  
19 same manner as a timely submitted  
20 application.

21 “(IV) FAILURE TO CORRECT.—If  
22 an applicant has received a notice and  
23 opportunity for correction of a typo-  
24 graphical or rounding error in a pro-  
25 posed budget in accordance with sub-

1 clause (II) and the applicant fails to  
2 correct the error and submit a revised  
3 application before the deadline de-  
4 scribed in that subclause, the Sec-  
5 retary may reject or penalize that  
6 grant application.

7 “(C) REVIEW.—

8 “(i) REQUEST FOR REVIEW.—With  
9 respect to any competition for a grant  
10 under this chapter, an applicant may re-  
11 quest a review if the applicant—

12 “(I) has evidence that a specific  
13 technical, administrative, or scoring  
14 error was made by the Department,  
15 an agent of the Department, or a peer  
16 reviewer, with respect to the scoring  
17 or processing of a submitted applica-  
18 tion; and

19 “(II) has otherwise met all of the  
20 requirements for submission of the  
21 application.

22 “(ii) ERROR MADE BY THE DEPART-  
23 MENT.—In the case of evidence of error by  
24 the Department or an agent of the Depart-  
25 ment, other than a peer reviewer, the Sec-

1           retary shall review any evidence submitted  
2           by the applicant and provide a timely re-  
3           sponse to the applicant. All applicants, re-  
4           gardless of score, shall have this right of  
5           review. If the Secretary determines that an  
6           error was made by the Department or an  
7           agent of the Department, other than a  
8           peer reviewer, the Secretary shall correct  
9           the error and accordingly adjust the appli-  
10          cant score.

11                   “(iii) ERROR MADE BY A PEER RE-  
12                   VIEWER.—

13                           “(I) IN GENERAL.—In the case  
14                           of evidence of error by a peer re-  
15                           viewer, a secondary review panel shall  
16                           automatically and promptly evaluate  
17                           the application for consideration in  
18                           the applicable grant competition upon  
19                           receipt of a request by any such appli-  
20                           cant. The Department shall allow this  
21                           right of review to any applicant that  
22                           scored five points or less below the  
23                           cut-off score. Examples of errors war-  
24                           ranting secondary review may in-  
25                           clude—

1           “(aa) points withheld for  
2           criteria not required in statute,  
3           regulation, or guidance governing  
4           a program under this chapter or  
5           the application for a grant for  
6           such program; or

7           “(bb) information pertaining  
8           to selection criteria that was in-  
9           correctly determined to be miss-  
10          ing from an application.

11          “(II) TIMELY REVIEW AND RE-  
12          PLACEMENT SCORE.—The secondary  
13          review panel described in subclause (I)  
14          shall conduct a secondary review in a  
15          timely fashion, and the score resulting  
16          from the secondary review shall re-  
17          place the score from the initial peer  
18          review.

19          “(III) COMPOSITION OF SEC-  
20          ONDARY REVIEW PANEL.—The sec-  
21          ondary review panel shall be composed  
22          of reviewers each of whom—

23                 “(aa) did not review the ap-  
24                 plication in the original peer re-  
25                 view;

1                   “(bb) is a member of the co-  
2                   hort of peer reviewers for the  
3                   grant program that is the subject  
4                   of such secondary review; and

5                   “(cc) to the extent prac-  
6                   ticable, has conducted peer re-  
7                   views in not less than 2 previous  
8                   competitions for the grant pro-  
9                   gram that is the subject of such  
10                  secondary review.

11                  “(IV) FINAL SCORE.—The final  
12                  peer review score of an application  
13                  subject to a secondary review under  
14                  this clause shall promptly be adjusted  
15                  appropriately using the score awarded  
16                  by the secondary review panel, so as  
17                  not to interfere with the timely award-  
18                  ing of grants for the applicable grant  
19                  competition.

20                  “(iv) FINALITY.—

21                  “(I) IN GENERAL.—A determina-  
22                  tion by the Secretary under clause (ii)  
23                  shall not be reviewable by any officer  
24                  or employee of the Department other  
25                  than the Secretary.

1                   “(II) SCORING.—The score  
2                   awarded by a secondary review panel  
3                   under clause (iii) shall not be review-  
4                   able by any officer or employee of the  
5                   Department other than the Secretary.

6                   “(V) FUNDING OF APPLICATIONS  
7                   WITH CERTAIN ADJUSTED SCORES.—Appli-  
8                   cations with scores that are adjusted up-  
9                   ward under clause (ii) or (iii) that equal or  
10                  exceed the minimum cut-off score for the  
11                  applicable grant competition shall be fund-  
12                  ed by the Secretary using general or ad-  
13                  ministrative funds available to the Sec-  
14                  retary other than those funds appropriated  
15                  or allocated for the programs authorized  
16                  by this chapter.”.

17               (c) OUTREACH.—Section 402A(d)(3) of the Higher  
18               Education Act of 1965 (20 U.S.C. 1070a–11(d)(3)) is  
19               amended by adding at the end the following: “The Sec-  
20               retary shall also host at least one virtual, interactive train-  
21               ing using telecommunications technology to ensure that  
22               interested applicants have access to technical assistance.”.

23               (d) DOCUMENTATION OF STATUS AS A LOW-INCOME  
24               INDIVIDUAL.—Section 402A(e) of the Higher Education  
25               Act of 1965 (20 U.S.C. 1070a–11(e)) is amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (C), by striking “or”  
3 after the semicolon;

4 (B) in subparagraph (D), by striking the  
5 period at the end and inserting a semicolon;  
6 and

7 (C) by adding at the end the following:

8 “(E) documentation that the student has  
9 been determined to be eligible for a Federal Pell  
10 Grant under section 401; or

11 “(F) for grants authorized under section  
12 402B and 402F of this chapter, documentation  
13 that a student is attending a school that had a  
14 percentage of enrolled students who are identi-  
15 fied students (as defined in section  
16 11(a)(1)(F)(i) of the Richard B. Russell Na-  
17 tional School Lunch Act (42 U.S.C.  
18 1759a(a)(1)(F)(i))) that meets or exceeds the  
19 threshold described in section 11(a)(1)(F)(viii)  
20 of that Act during the school year prior to the  
21 first year of the period for which such grant is  
22 awarded.”; and

23 (2) in paragraph (2)—

24 (A) in subparagraph (C), by striking “or”  
25 after the semicolon;

1 (B) in subparagraph (D), by striking the  
2 period at the end and inserting a semicolon;  
3 and

4 (C) by adding at the end the following:

5 “(E) documentation that the student has  
6 been determined to be eligible for a Federal Pell  
7 Grant under section 401; or

8 “(F) for grants authorized under section  
9 402B and 402F of this chapter, documentation  
10 that a student is attending a school that had a  
11 percentage of enrolled students who are identi-  
12 fied students (as defined in section  
13 11(a)(1)(F)(i) of the Richard B. Russell Na-  
14 tional School Lunch Act (42 U.S.C.  
15 1759a(a)(1)(F)(i))) that meets or exceeds the  
16 threshold described in section 11(a)(1)(F)(viii)  
17 of that Act during the school year prior to the  
18 first year of the period for which such grant is  
19 awarded.”.

20 (e) OUTCOME CRITERIA.—Section 402A(f) of the  
21 Higher Education Act of 1965 (20 U.S.C. 1070a–11(g))  
22 is amended—

23 (1) in paragraph (1)—

1 (A) in the paragraph heading, by striking  
2 “PRIOR EXPERIENCE” and inserting “PRIOR  
3 SUCCESS”;

4 (B) by striking “January 1, 2009” and in-  
5 serting “the date of enactment of the Edu-  
6 cational Opportunity and Success Act of 2023”;  
7 and

8 (C) by striking “prior experience of” and  
9 inserting “prior success in achieving”; and  
10 (2) in paragraph (3)—

11 (A) in subparagraph (A)—

12 (i) in clause (iv), by striking “that will  
13 make such students eligible for programs  
14 such as the Academic Competitiveness  
15 Grants Program” and inserting “that in-  
16 cludes at least 4 years of mathematics, 3  
17 years of science, and 2 years of a foreign  
18 language”;

19 (ii) by redesignating clauses (v) and  
20 (vi) as clauses (vi) and (vii), respectively;  
21 and

22 (iii) inserting after clause (iv), the fol-  
23 lowing:

24 “(v) the completion of financial aid  
25 applications, including the Free Applica-

1 tion for Federal Student Aid described in  
2 section 483(a) and college admissions ap-  
3 plications”;

4 (B) in subparagraph (B)—

5 (i) in the matter preceding clause (i),  
6 by inserting “except in the case of pro-  
7 grams that are specifically designed for  
8 veterans,” after “402C”;

9 (ii) in clause (v), by striking “that will  
10 make such students eligible for programs  
11 such as the Academic Competitiveness  
12 Grants Program” and inserting “that in-  
13 cludes at least 4 years of mathematics, 3  
14 years of science, and 2 years of a foreign  
15 language”;

16 (iii) by redesignating clauses (vi) and  
17 (vii) as clauses (vii) and (viii), respectively;  
18 and

19 (iv) inserting after clause (v), the fol-  
20 lowing:

21 “(vi) the completion of financial aid  
22 applications, including the Free Applica-  
23 tion for Federal Student Aid described in  
24 section 483(a) and college admissions ap-  
25 plications;”;

1 (C) by redesignating subparagraphs (C)  
2 through (E) as subparagraphs (D) through (F),  
3 respectively;

4 (D) by inserting after subparagraph (B)  
5 the following:

6 “(C) For programs authorized under sec-  
7 tion 402C that are specifically designed for vet-  
8 erans, the extent to which the eligible entity  
9 met or exceeded the entity’s objectives for such  
10 program regarding—

11 “(i) the delivery of service to a total  
12 number of students who are veterans  
13 served by the program, as agreed upon by  
14 the entity and the Secretary for the period  
15 of the program;

16 “(ii) such students’ academic perform-  
17 ance as measured by standardized tests;

18 “(iii) the retention and completion of  
19 participants in the program;

20 “(iv) the provision of assistance to  
21 students served by the program in com-  
22 pleting financial aid applications, including  
23 the Free Application for Federal Student  
24 Aid described in section 483(a) and college  
25 admission applications;

1 “(v) the enrollment of such students  
2 in an institution of higher education; and

3 “(vi) to the extent practicable, the  
4 postsecondary completion of such stu-  
5 dents;”;

6 (E) in subparagraph (D), as redesignated  
7 by subparagraph (C), by striking clause (ii) and  
8 inserting the following:

9 “(ii)(I) in the case of an entity that is  
10 an institution of higher education offering  
11 a baccalaureate degree, the extent to which  
12 the entity met or exceeded the entity’s ob-  
13 jectives regarding the percentage of such  
14 students’ completion of a baccalaureate de-  
15 gree at any baccalaureate granting institu-  
16 tion within 6 years of initial enrollment in  
17 the project; or

18 “(II) in the case of an entity that is  
19 an institution of higher education that does  
20 not offer a baccalaureate degree, the extent  
21 to which such students met or exceeded—

22 “(aa) the entity’s objective re-  
23 garding the transfer of such students  
24 to institutions of higher education  
25 that offer baccalaureate degrees, re-

1            regardless of whether the transferring  
2            student completes a degree or certifi-  
3            cate; and

4                       “(bb) the entity’s objective re-  
5                       garding the completion of a degree or  
6                       certificate by such students at the in-  
7                       stitution or any accredited institution  
8                       within 4 years of initial enrollment in  
9                       the project;”;

10            (F) by amending subparagraph (E), as re-  
11            designated by subparagraph (C), to read as fol-  
12            lows:

13                       “(E) For programs authorized under sec-  
14                       tion 402E, the extent to which the entity met  
15                       or exceeded—

16                                  “(i) the entity’s objective regarding  
17                                  the delivery of service to a total number of  
18                                  students served by the program, as agreed  
19                                  upon by the entity and the Secretary for  
20                                  the period;

21                                  “(ii) the entity’s objective regarding  
22                                  the provision of appropriate scholarly and  
23                                  research activities for the students served  
24                                  by the program;

1           “(iii) the entity’s objective regarding  
2           the acceptance and enrollment of such stu-  
3           dents in graduate programs within 2 years  
4           of receiving the baccalaureate degree;

5           “(iv) the entity’s objective regarding  
6           the continued enrollment of such students  
7           in graduate study; and

8           “(v) the entity’s objective regarding  
9           the attainment of doctoral degrees by  
10          former program participants within 10  
11          years of receiving the baccalaureate de-  
12          gree.”; and

13          (G) in subparagraph (F), as redesignated  
14          by subparagraph (C)—

15                 (i) in clause (i), by inserting “within  
16                 2 years of participation in the program”  
17                 after “such diploma or equivalent”; and

18                 (ii) in clause (ii), by inserting “or re-  
19                 enrollment” after “the enrollment”.

20          (f) AUTHORIZATION OF APPROPRIATIONS.—Section  
21          402A(g) of the Higher Education Act of 1965 (20 U.S.C.  
22          1070a–11(g)) is amended to read as follows:

23                 “(g) AUTHORIZATION OF APPROPRIATIONS.—For the  
24          purpose of making grants and contracts under this chap-  
25          ter, there are authorized to be appropriated

1 \$1,191,000,000 for fiscal year 2024 and such sums as  
2 may be necessary for each of the five succeeding fiscal  
3 years. Of the amount appropriated under this chapter, the  
4 Secretary may use no more than 1 percent of such amount  
5 to obtain additional qualified readers and additional staff  
6 to review applications, to increase the level of oversight  
7 monitoring, to support impact studies, program assess-  
8 ments, and reviews, and to provide technical assistance to  
9 potential applicants and current grantees.”.

10 (g) DEFINITIONS.—Section 402A(h) of the Higher  
11 Education Act of 1965 (20 U.S.C. 1070a–11(h)) is  
12 amended by striking paragraph (4) and inserting the fol-  
13 lowing:

14 “(4) LOW-INCOME INDIVIDUAL.—The term  
15 ‘low-income individual’ means—

16 “(A) an individual from a family whose ad-  
17 justable gross income for the preceding year did  
18 not exceed 150 percent of an amount equal to  
19 the poverty level determined by using criteria of  
20 poverty established by the Bureau of the Cen-  
21 sus;

22 “(B) an individual from a family whose ad-  
23 justable gross income, as reported on the indi-  
24 vidual’s most recently completed Free Applica-  
25 tion for Federal Student Aid, did not exceed

1           150 percent of an amount equal to the poverty  
2           level determined by using criteria of poverty es-  
3           tablished by the Bureau of the Census for that  
4           year;

5           “(C) an individual who has been deter-  
6           mined to be eligible for a Federal Pell Grant  
7           under section 401; or

8           “(D) for grants authorized under section  
9           402B and 402F of this chapter, a student who  
10          is attending a school that had a percentage of  
11          enrolled students who are identified students  
12          (as defined in section 11(a)(1)(F)(i) of the  
13          Richard B. Russell National School Lunch Act  
14          (42 U.S.C. 1759a(a)(1)(F)(i))) that meets or  
15          exceeds the threshold described in section  
16          11(a)(1)(F)(viii) of that Act during the school  
17          year prior to the first year of the period for  
18          which such grant is awarded.”.

19 **SEC. 3. UPWARD BOUND.**

20          Section 402C of the Higher Education Act of 1965  
21 (20 U.S.C. 1070a–13) is amended—

22           (1) in subsection (d)—

23           (A) in paragraph (6), by striking “and”  
24           after the semicolon;

1 (B) by redesignating paragraph (7) as  
2 paragraph (8);

3 (C) by inserting after paragraph (6) the  
4 following:

5 “(7) continued services through the student’s  
6 first year of attendance at an institution of higher  
7 education, to the extent the provision of such service  
8 was described in the eligible entity’s application for  
9 assistance; and”; and

10 (D) in paragraph (8), as redesignated by  
11 subparagraph (B), by striking “or paragraphs  
12 (1) through (6)” and inserting “or paragraphs  
13 (1) through (7)”;  
14 (2) in subsection (f)—

15 (A) by striking “\$60” and inserting  
16 “\$90”;

17 (B) by striking “\$300” and inserting  
18 “\$450”;

19 (C) by striking “\$40” and inserting  
20 “\$60”; and

21 (D) by adding at the end the following:  
22 “Adults participating in a project that is spe-  
23 cifically designed for veterans under this section  
24 may be paid stipends not in excess of \$100 per  
25 month during the year.”; and

1           (3) by striking subsection (g) and redesignating  
2           subsection (h) as subsection (g).

3 **SEC. 4. POSTBACCALAUREATE ACHIEVEMENT PROGRAM**

4                           **AUTHORITY.**

5           Section 402E of the Higher Education Act of 1965  
6 (20 U.S.C. 1070a–15) is amended—

7           (1) in subsection (b)(2), by striking “summer  
8           internships” and inserting “internships or faculty-  
9           led research experiences”;

10           (2) in subsection (d)(4), by striking “summer  
11           research internships” and inserting “research intern-  
12           ships or faculty-led research experiences”;

13           (3) in subsection (f)(1), by striking “\$2,800”  
14           and inserting “\$4,000”;

15           (4) by redesignating subsection (g) as sub-  
16           section (h); and

17           (5) by inserting after subsection (f) the fol-  
18           lowing:

19           “(g) DETERMINATION OF NEED.—A stipend pro-  
20           vided to a student under subsection (f)(1) shall not be con-  
21           sidered in determining that student’s need for grant or  
22           work assistance under this title, except that in no case  
23           shall the total amount of student financial assistance

- 1 awarded to a student under this title exceed that student's
- 2 cost of attendance, as defined in section 472.”.

